

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 168 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI and
MR.JUSTICE A.L.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

STATE OF GUJARAT

Versus

RABARI KHODA LAKHMAN

Appearance:

MR D.N.PATEL, ADDL.PUBLIC PROSECUTOR for Petitioner

CORAM : MR.JUSTICE R.K.ABICHANDANI and
MR.JUSTICE A.L.DAVE

Date of decision: 23/07/98

ORAL JUDGEMENT(Per R.K.Abichandani,J.)

The State has appealed against the acquittal of the respondent for the offence under Section 376 of the IPC under the judgement and order dated 15.12.1997 of the learned Additional Sessions Judge, Bhavnagar, camping at Mahuva in Sessions Case No. 57/97.

The learned Additional Public Prosecutor has taken us through the relevant material having bearing on the case. It transpires from the evidence on record that the prosecutrix who was hardly eight years of age has stated that she had not identified the person and she does not know who had committed rape on her. She has deposed that she had given the name of the respondent because she was asked to give his name. She has admitted that when her mother had repeatedly asked her about the person who had committed the offence, she had said that she had not seen that man. There is no other reliable evidence on record to connect the respondent with the crime. The trial Court has rightly held that the connection of the respondent with the crime was not established even from the evidence of the girl. We do not find any warrant for interference with the decision. The appeal is therefore, dismissed.

*/Mohandas